

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE THYE BONNER,
Plaintiff,

v.

MS. MANDY SIPPLE, *et al.*,
Defendants.

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CIVIL ACTION NO. 19-CV-3191

FILED

AUG - 5 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 1st day of August, 2019, upon consideration of Plaintiff Joseph

Bonner's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Eugene Thye Bonner, #HL-2668, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Bonner's inmate account; or (b) the average monthly balance in Bonner's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Bonner's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Bonner's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Bonner's claims against Defendants Harris, Dr. Burkholder, Ferguson, Welsh, and Sipple, with the exception of Bonner's claim that Sipple was deliberately indifferent to his serious medical needs in connection with the events of August 7 through 9, 2018 are **DISMISSED without prejudice**. The Clerk of Court is **DIRECTED** to terminate Defendants Harris, Dr. Burkholder, Ferguson, and Welsh.

6. Bonner is given thirty (30) days to file an amended complaint in the event he can allege additional facts to cure the defects in his dismissed claims. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Bonner's claims against each defendant, and shall bear the title "Amended Complaint" and the caption 19-3191. If Bonner files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Bonner's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Any amended complaint should not refer back to or depend on the original complaint to state a claim. When drafting his amended complaint, Bonner should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Bonner does not file an amended complaint the Court will direct service of his initial Complaint on Defendants Nurse Jenny, Worth, Fondi, and Sipple. Bonner may also notify the Court that he seeks to proceed on his remaining claims against these Defendants rather than

file an amended complaint. If he files such a notice, Bonner is reminded to include the case number for this case, 19-3191.

BY THE COURT:


CYNTHIA M. RUFÉ, J.